HIGH COURT OF UTTARANCHAL AT NAINITAL

ORIGINAL JURISDICTION

Writ Petition no. 1080 (S/S) of 2005

Dinesh Mohan Uniyal S/o Nathi Lal Uniyal,
Nieb Tehsildar, Tehri,
Presently officiating as Tehsildar,
Tehsil Jakhnidhaar,
District Tehri. ----Petitioner.

Vs.

1. State of Uttaranchal, through,
   Chief Revenue Commissioner, Dehradun,
2. Commissioner, Garhwal Region, Pauri,
3. District Magistrate, Tehri Garhwal,
4. State Public Service Commission,
   Through its Secretary, Haridwar. ----Respondents.

Sri R.D. Khare, learned counsel for the petitioner,
Ld. Standing Counsel for the State.

Hon'ble Rajesh Tandon, J.

Heard Sri. R.D. Khare, learned counsel for the petitioner and learned Standing Counsel for the State/respondents.

2. By way of this writ petition, the petitioner has prayed for a writ of mandamus directing the respondents to fix the seniority of the petitioner on the post of Registrar Kanoongo from the initial date of joining on the post. Further he has prayed for a writ of mandamus directing the respondents to promote him to the post of Nieb Tehsildar w.e.f. 21.01.1996.

3. Contention of the petitioner is that he was initially appointed as Patwari on 28.09.1980, thereafter he was promoted to the post of Assistant Registrar Kanoongo on 28.12.1986. On 14th January 1990, the petitioner was promoted to the post of Registrar Kanoongo and remained continuously working till 30.10.2001. Thereafter the petitioner was promoted to the post of Nieb Tehsildar w.e.f. 31.10.2001 on ad-hoc basis and is still continuing.

4. The petitioner has made various representations stating therein regarding the vacancy on the post due to the promotion of one Sri Dayal Singh on the post of Niab Tehsildar.

5. Grievance of the petitioner is that inspite of the representations dated 01.01.2001 & 12.08.2004, the respondents have paid no heed in this regard and the representations have not been considered by them.

6. The petitioner has further prayed that in accordance with the seniority list, prepared by the Departmental on 19th September 2002, the representation of the petitioner may also be considered as the persons who are juniors to the petitioner have already been promoted. The petitioners claim himself to be the senior amongst those who have already been promoted.

7. Accordingly, liberty is given to the petitioner to file a fresh representation, which shall be decided by the respondent no. 2 in accordance with the statutory Rules alongwith the other representations made by the petitioner, within a period of six weeks from the date of production of a certified copy of this order.

8. With this direction, writ petition is finally disposed of. No order as to costs.

(Rajesh Tandon, J.)

Feb. 25,2006:
NCM: